RAJYA SABHA

Wednesday, the 6th August, 1986/15 Sravana, 1908 (Saka)

The House met at eleven of the clock. Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

Selection of students to attend "Camp America"

*281. PROF. C. LAKSHMANNA: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that out of twenty students only seventeen were selected to attend "Camp America" recently as Counsellors for three months;

(b) if so, what were the criteria for their selection;

(c) whether the applications in this regard were invited through advertisements in the newspapers; and

(d) if not, what were the reasons therefor?

THE MINISTER OF STATE IN THE DEPARTMENT OF EDUCATION AND CULTURE (SHRIMATI KRISHNA SAHI): (a) There is no Scheme as "Camp America" in the Ministry of Human Resource Development under which students are sponsored.

(b) to (d) Do not arise.

PROF. C. LAKSHMANNA: Sir, it is true, as is evident from the answer, that this is not a programme of the Human Resource Development Ministry. I also understand that it is some private organisation. If that is the case, my only question is when it is involving school children—as many as seventeen—who have to pay huge amounts, is the Government thinking of laying down some guidelines for the benefit of such organisations?

SHRIMATI KRISHNA SAHI: Sir, it is a private body and Government has got no information about it. What can we say about it if we do not have any information? It is a private body, Sir.

MR. CHAIRMAN: Next question, 282.

SHRI NIRMAL CHATTERJEE: It may be a private organisation, but is the Government not expected to have any information?

MR. CHAIRMAN: Please refer to the rules. You can ask questions only in respect of matters in which Government has responsibility.

PROF. C. LAKSHMANNA: Sir, I was not questioning it. I started by saying so. I was only asking, will the Government lay down some guidelines for effective utilization by these agencies? Nothing more.

SHRI CHATURANAN MISHRA: This is a mixed economy. You can do anything.

PROF. C. LAKSHMANNA: I fully agree with that. There is no doubt about it. My only question was, while I myself said that there is no connection perhaps, as stated by the Minister, between this and ultimately what has happened, I was only requesting whether the Government will think in terms of laying down some guidelines for the use of these private agencies. Otherwise there is a possibility of the whole thing being misused. Therefore, I was simply asking this.

MR. CHAIRMAN: Not allowed. Next Question, 282.

Unauthorised railway agencies

*282. DR. C. SILVERA: Will the Minister of TRANSPORT be pleased to state:

(a) whether it is a fact that some unauthorised agencies in Delhi particularly in the New Amrit Kaur Market opposite New Delhi Railway Station are carrying on the business of procuring and supplying railway tickets for travel on the railways or for reserved accommodation for journey in trains;

(b) if so, what are the details thereof; and

(c) what action Government have taken so far or propose to take against the owners of these unauthorised agencies and the number of persons challaned so far under the Indian Railways (Amendment) Act, 1982 in Delhi?

THE MINISTER OF TRANSPORT (SHRIMATI MOHSINA KIDWAI): (a) to (c) A statement is laid on the Table of the Sabha.

Statement

(a) to (c) The fact came to the notice of the Railway Administration. Since the existing provisions in the Indian Railways Act were not adequate to deal with their activities, the Indian Railways (Amendment) Act, 1982 providing severe penalties for any person carrying on the business of procuring and supply of railway tickets unauthorisedly was passed on the 11th May, 1982. Shortly afterward, in June, 1982, the premises of 19 unauthorised agents in the Amrit Kaur Market and other places were raided and 8 persons were arrested. The details of all the unauthorised agencies are not known as they functioned surreptitiously. Immediately after these raids, some of the agents challenged the constitutional validity of the Act in the Supreme Court, who inter-alia, granted an *ex-parte* stay. In December, 1983, the Supreme Court delivered their judgement. While upholding the constitutional validity of the Act, the Court directed the Railways to devise a suitable agency to cater to the needs of the second class passengers; and further directed that the agents should be allowed to continue their business till the scheme was implemented. Accordingly, a scheme known as "Authorisation of Rail Travellers Service Agents Rules 1985" was framed and after showing it to the Supreme Court it was notified in the official Gazette on 5.12.1985. After that, applications were invited and about 102 parties have been cleared so far for grant of licence in Delhi area. After the scheme has been fully implemented, all parties not granted licences and still indulging in this activity will be apprehended and prosecuted.

DR. C. SILVERA: In the statement, the Minister has stated that the details of all unauthorised agencies are not known. I would like to ask the hon. Minister whether she is aware that almost every shop in the New Amrit Kaur Market opposite New Delhi Railway Station, whether it is selling fruits, pan or anything, has displayed openly on a board "Reservation of tickets undertaken. In fact, as Bhagirath Palace is famous for genuine and duplicate electrical goods, this Market is famous for rail reservations—you can have ticket for any station on payment of a premium but obviously not in the name of the person travelling. May I know from the hon. Minister the number of persons who have been challaned under the amended Railways Act during this year and the types of punishments which were given to them?

SHRIMATI MOHSINA KIDWAI: Sir, it was a very serious problem before the Railway Ministry. So that is why we have amended the Railways Act, 1890. We have inserted a new section—section 114(A)—in the Act and it was amended in May 1982. Under that Act (action can be taken against the) persons who are carrying on this business of purchasing tickets and selling them in fictitious names and cheating the passengers. Raids were conducted on 7th June 1982 under section 114A enacted in May 1982 and eight persons were arrested. Out of these, two were from the Amrit Kaur Market. After four days, that is, on 11th June 1982 they went to the Supreme Court and the Court granted them stay and directed the Railways to formulate a scheme and put it up for the approval of the Supreme Court. That is why we have not taken any action against those persons.

MR. CHAIRMAN: Second supplementary.

DR. C. SILVERA: No second supplementary, Sir.

श्री वीरेन्द्र वर्मा : मैं मंत्री महोदया से जानना चाहता हूं कि जो 8 आदमी उन्होंने रेड कर के गिरफ्तार किये थे उन 8 आदमियों ने क्या डिटेल्ज दीं कि किन-किन लोगों से रेलवे कर्मचारियों और अधिकारियों से टिकट लेने और बेचने और रिजर्वेशन किस की सहायता से करते थे। क्या उन लोगों ने कोई नाम बताएं हैं? दूसरा सवाल मेरा यह है कि जो स्कीम इन्होंने लागू की है दिसम्बर, 1985 में उसको भी एक वर्ष के करीब हो गया है क्या अब भी अनआथोराइज्ड सेलिंग आफ टिकट्स का काम जारी है, यदि ऐसा है तो इसके क्या कारण है?

श्रीमती मोहसिना किदवई : सभापति जी, मैंने पहले अपने स्टेटमेंट में कहा है कि 8 आदमी अरेस्ट किये गये और वे कोर्ट में चले गये। नाम यहां नही बताएं जा सकते कि किस के कन्नाइवेंस से हुआ, कौन लोग थे जिनकी सहायता से वह अनआथोराइज्ड बिजनेस चल रहा था। इसी वजह से एक्ट मे तरमीम कर के ताकि पेसेंजर्स को दिक्कत न हो एक अमेंडमेंट लाया गया और उस अमेंडमेंट के तहत अरेस्ट भी हुए। चार दिन में वे कोर्ट में चले गये वहां स्टे हो गया और कोर्ट ने कहा कि जब तक स्कीम फारमुलेट कर के कोर्ट के सामने अप्रूवल के लिए न आए इन लोगों को इजाजत दी जाए बिजनेस करने की। वहां पर हम बिलकुल मजबूर थे। वह करते रहे और अब जो नयी स्कीम है उसके तहत 102 को लाइसेंस दिया जा चुका है तथा कुछ अडंर कंसीडिरेशन हैं। जब इस स्कीम का इम्पलीमेंटेशन होगा तब उनके खिलाफ हम एक्शन ले सकते हैं (व्यवधान)

श्री वीरेन्द्र वर्मा : मैंने यह पूछा था कि इस स्कीम के लागू होने के बाद क्या आज भी अनआथोराइज्ड सेलिंग और रिजर्वेशन चल रहा है?

MR. CHAIRMAN: I thought you may not remember! Now, Mr. Malaviya.

श्री सत्य प्रकाश मालवीय : सभापति जी, मेरा प्रश्न मंत्री जी के उत्तर से सम्बन्धित है। मंत्री जी ने अपने वक्तव्य में यह कहा है जो विवरण सभा पटल पर रखा है योजना के पूरी तरह से कार्यान्वित हो जाने के बाद ऐसी सभी पार्टियों को जिन्हें लाइसेंस नहीं दिया गया है और जो अब भी इन गतिविधियों में लिप्त हैं, उन्हें पकड़ा जायेगा और उन पर मुकदमा चलाया जाएगा। इसका मतलब यह हुआ कि सरकार और रेलवे विभाग असहाय और मूक दर्शक है। लोग गैर कानूनी काम कर रहे हैं। टिकटों में धांधली हो रही है। आपको योजना कार्यान्वित करने में कितना समय लगेगा, इसके बारे में कुछ भी स्पष्ट नहीं है। ऐसी क्या दिक्कत है कि जो रेल विभाग में गैर कानूनी काम कर रहे हैं दूसरे लोग अनाधिकृत लोग टिकटों की बिक्री कर रहे हैं, उनके खिलाफ कोई कार्यवाही नहीं करते हैं। जिन आठ आदमियों के खिलाफ कार्यवाही की है वह अलग प्रश्न है आपने स्वीकार किया है कि दिक्कत आ रही है अब उनके विरुद्ध कार्यवाही करने में क्या दिक्कत है?

श्रीमती मोहसिना किदवई : मैंने पहले ही कहा है कि रेलवे मंत्रालय की मंशा है, उनके खिलाफ कार्यवाही की जाएगी। पहले हमारे पास पावर्स नहीं थी इसलिए हमने अमेंडमेंट किया है। हमारी नियत बिलकुल साफ है, हम उनके खिलाफ एक्शन लेना चाहते हैं लेकिन कोर्ट ने उनको छोड़ दिया। कोर्ट का फैसला था जिसमें यह कहा गया कि जब तक स्कीम फारमुलेट न हो जाए उस वक्त तक इनका बिजनेस चलने दिया जाए। अब आप यह बताइये कि रेलवे मंत्रालय क्या करे। जहां तक लाइसेंस देने का सवाल है उसमें सिर्फ यह नहीं है कि कोई पार्टी आई है इसलिए उसको लाइसेंस दे दिया गया उसमें इनकम टैक्स की क्लीयरेंस होनी चाहिये, उसके पास परमिशन होनी चाहिये। (व्यवधान)

श्री सत्य प्रकाश मालवीय : बाकी जो लोग काम कर रहे हैं उनको क्यों छोड़ गया है।

श्रीमती मोहसिना किदवई : उसमें पुलिस का क्लीयरंस होता है, प्रिमिसेज़ देखनी पड़ती है, उसके बाद लाइसेंस दिया जाता है। यह लाइसेंस की स्कीम क्योंकि नयी है इसलिए इसमें कुछ वक्त लगेगा। लेकिन मुझे लगता है कि 2–3 महीने में पूरा हो जायेगा और जैसे ही सारे लाइसेंसेज दे दिये जायेंगे, उनको इत्तिला दी जायेगी कि आपको लाइसेंस नहीं दे रहे हैं और अगर आप यह बिजिनेस कर रहे हैं तो आपके खिलाफ कार्यवाही होगी हमारी इसमें पूरी कोशिश है कि जल्द से जल्द इसको लागू करें।

SHRI VISHWA BANDHU GUPTA: Mr. Chairman, I would like to know from the hon. Minister whether she has instances of such illegal sale of tickets from places other than Amrit Kaur Market, and whether she has a scheme to see that the Inspectors of the Railway Department inspect and check and at least informally do something about stopping this illegal sale.

MR. CHAIRMAN: Are there any other places where this is going on?

SHRIMATI MOHSINA KIDWAI: In big cities there are certain agencies...

MR. CHAIRMAN: He is talking about unlicensed.

SHRIMATI MOHSINA KIDWAI: If the Member will give any information about any agency, we will see to it.

SHRI SURESH KALMADI: Sir, it is most unfortunate that the Railway Minister is out of the country when Parliament is in session. I can understand if the External Affairs Minister goes out with the Prime Minister.

AN. HON. MEMBER: She is here.

SHRI SURESH KALMADI: I am talking about Mr. Madhavrao Scindia.

MR. CHAIRMAN: You are technically incorrect.

SHRI SURESH KALMADI: She is Minister of Transport. I am technically incorrect, but factually correct.

MR. CHAIRMAN: I don't know. But there is a Minister, and you cannot say that.

SHRI SURESH KALMADI: A number of unauthorised railway agencies are no doubt there, and you are not taking action. And what about unauthorised railway-ticket selling agencies which are operating right inside the railway station? Inspite of all your computer-booking etc., still I think there is 25 per cent quota for the coolies. If at all anybody cannot get a ticket from anywhere, he approaches a collie. And he is sure enough. He is in league with the reservation counter, computerised or otherwise, and he always gets a ticket for you. I would like to know from the hon. Minister what steps are taken to stop this malpractice and whether you are going to take some severe steps so that the passengers have a proper facility of getting the tickets from the reservation counters etc.

SHRIMATI MOHSINA KIDWAI: Sir, this scheme. . .

MR. CHAIRMAN: He is not talking about the scheme. He is talking about the touts.

SHRIMATI MOHSINA KIDWAI: I know. Because of this malpractice which was going on, we have taken this step. There are certain things which we have done. For the benefit of the passengers we have other agencies also which are giving them tickets, not at the railway counters but at other places in the cities also. So, we have taken certain steps. That is why we are computerising the whole system of giving the tickets. Gradually it will go to other place also. Within 100 meters of the railway station these agencies cannot go and canvass for selling of their tickets.

I cannot answer his question about the coolies.

SHRI VITHALBHAI MOTIRAM PATEL: Mr. Chairman, may I know from the Minister whether the criteria under the scheme known as Authorisation of Rail Travellers includes educated-unemployed youth, the Scheduled Castes and the Scheduled Tribes and whether any reservation

of quota has been fixed for dealership or agents and what commission you are giving to the agents?

SHRIMATI MOHSINA KIDWAI: There are two types of schemes. Under this scheme these agencies can take Rs. 15 for an upper class ticket from the passengers who are coming to them for booking and Rs. 8 from the second-class passengers as service charge. One scheme is there of tourist agents. The railway is giving them commission only on tickets purchased for foreigners and non-resident Indians. These agencies are given to the well reputed firms and the Railways are giving them 10 per cent commission.

SHRI SURESH KALMADI: Rs. 8 on what?

SHRIMATI MOHSINA KIDWAI: Per ticket. If they want a reservation, they have to pay a service charge.

SHRI SURESH KALMADI: If the price of the ticket is Rs. 2 will they charge Rs. 8 on that?

SHRIMATI MOHSINA KIDWAI: How can they want a reservation on a ticket of Rs. 2?

SHRI SURESH KALMADI: What I want to know is whether in regard to a reservation for a small distance there is a maximum or minimum fixed?

MR. CHAIRMAN: No cross-talks please. Everybody should address the Chair.

SHRIMATI MOHSINA KIDWAI: Sir, this is a new scheme and there is no reservation quota on this scheme. If unemployed graduates can form the cooperative societies and come certainly we will consider it.

SHRI BIR BHADRA PRATAP SINGH: Blackmarketing in tickets is a two-way traffic. There may be difficulty to prosecute private agents and unauthorised agents, but as shri Virendra Verma has hinted and as Shri Kalmadi has referred to a part of it, may I know from the Minister as to what is the difficulty in trapping those railway employees who are employed at the booking counters and who might be indulging in blackmarketing in league with the private agencies and punish them under the law with the help of the Railway Intelligence.

MR. CHAIRMAN: This is what the Minister has answered in the main question.

SHRI NIRMAL CHATTERJEE: There is a concept of blackmarketing. There are two things in it. If a private agent—authorised or otherwise—gets a commission from the Railways and the traveller does not have to pay anything extra, the question of blackmarketing does not arise. The concept of blackmarketing arises when the traveller has to pay something extra. Now, if the agents or the agencies are doing that and where the traveller does not have to pay anything extra, there is no law in the country which can prevent that. And the hon. Minister says they have been granted an ex-parte stay. My question is were the Railways caught unawares? If she is not acquained with what should be done, consult the Law Ministry. Cinema tickets are sold in black and in this case the agents are caught, but here in this case these people cannot be caught. They go and get a stay. I want to be clarified about this from the Railway Minister.

MR. CHAIRMAN: On what is blackmarketing, you are putting a legal question. If you have an answer, you may give.

SHRIMATI MOHSINA KIDWAI: Everybody knows what is blackmarketing.

MR. CHAIRMAN: But what Mr. Nirmal Chatterjee says is if the agent goes and charges more than the Railway ticket, it is blackmarketing; but if he does not charge more than the Railway fare, how do you say it is blackmarketing? Well, I think the facts must be ascertained whether the tout charges more than the fare or not.

SHRI N. K. P. SALVE: It is a fair trade practice.

MR. CHAIRMAN: It is an unfair trade practice, not fair trade practice. All right, I think you are satisfied.

SHRI JAGESH DESAI: Even at present the genuine second-class passengers are not getting the reservation. And if this system is followed, these travel agents will book a number of tickets and genuine passengers will not get tickets at all. The Supreme Court has directed that suitable agency should be created to cater to the needs of the second class passengers. I would like to know whether the Railway Administration will think over having more railway offices to issue tickets to second-class passengers so that these agents, who buy the tickets in bulk, are not able to sell the tickets in blackmarket. If that is done, genuine passengers will be able to get tickets.

SHRIMATI MOHSINA KIDWAI: They are not permitted to purchase tickets in bulk. There are certain rules. One employee of the agents who is authorised, will stand in the queue just like other passengers and on his turn can purchase maximum four tickets at a time. So, it is not a question that he will purchase in bulk and the passengers will be deprived of tickets. It is only for the benefit of those passengers who have no time to come to the railway counter and stand in the queues. They go to the agents and purchase their tickets through them on payment of service charge and proper authorisaction.

SHRI DHARAM CHANDER PRASHANT: We come across unauthorised agencies and unauthorised individuals at the Railway Station. Therefore, I want to know who are the authorised agencies? And what is their number?

MR. CHAIRMAN: The Member wants to know: How many authorised agencies have you got?

SHRIMATI MOHSINA KIDWAI: Sir, after formulation of this scheme we have given 102 licences and many applications are under consideration.

MR. CHAIRMAN: Now, next Question No. 283.

Southern Regional Conference of Transport Ministers held at Bangalore

*283 SHRI V. NARAYANASAMY: Will the Minister of TRANSPORT be pleased to state:

(a) whether it is a fact that in the Southern Regional Transport Ministers Conference held at Bangalore, the need to nationalize the stage carriers and to form a Transport Corporation in the Union Territory of Pondicherry was emphasised; and

(b) if so, what action Government have taken to implement the decision?

THE MINISTER OF STATE IN THE DEPARTMENT OF SURFACE TRANSPORT (SHRI RAJESH PILOT): (a) and (b) The question of setting up of State Road Transport Corporation under the Road Transport Corporations Act, 1950 and nationalization of routes through appropriate schemes under Chapter IV A of the Motor Vehicles Act, 1939 are matters within the competence of concerned State Govts. UT Administration who have to take a view after considering such proposals in all its aspects.

The suggestions with regard to these matters as received by the Central Govt. were also forwarded to Pondicherry Administration. Pondicherry Administration have intimated that they have as yet not taken a final decision in the matter.

SHRI V. NARAYANASAMY: Mr. Chairman, Sir, my first question very specific. Whether the Southern Regional Transport Ministers Conference held at Bangalore emphasised the need for nationalisation of bus transport in Pondicherry? Whether the Central Government is aware of this fact? But the hon. Minister has stated that it is a State subject. My humble submission is that Pondicherry being a Union Teritory, the hon. Minister has to reply about this paticular fact.

SHRI RAJESH PILOT: Mr. Chairman, Sir, in the Southern Regional Transport Ministers Conference this point was raised, But it was not discussed at length. No decision was taken on their recommendations. We have also asked the Union Territory administration to take into con-